

Response to Comments

United Auburn Indian Community
Auburn Rancheria Casino
Wastewater Treatment Plant
Placer County

The Tentative NPDES Permit and proposed Cease and Desist Order for the Auburn Rancheria Casino Wastewater Treatment Plant (WWTP) were issued for public review on 22 November 2004. The United Auburn Indian Community submitted comments on 21 December 2004. No other comments were received. The following are the United Auburn Indian Community's comments, followed by the RWQCB's response.

Comment 1 - Ammonia Limit:

The current limit for ammonia is variable and is a function of temperature and pH. The new limit, based upon a worst-case scenario (higher than normal pH and very high temperature), is a fixed limit that is generally significantly lower than the level that would be acceptable at the normal temperature and pH. The plant typically achieves the lower limit, however even a small glitch in operation could result in a violation that would not have exceeded the limit based on actual temperature and pH.

For example, the normal effluent ammonia level averages approximately 0.38 mg/l. The pH is typically 7.4 and the temperature is 32°C. The current limit would be 1.55 mg/l; the new limit 0.42 mg/l. Assuming a single day excursion of 1.5 mg/l the average for a 30-day month would increase by 0.05 mg/l bringing the limit to 0.43. This would be a violation even though the worst day was below the level that would be acceptable given actual temperature and pH.

The nitrification and denitrification process in the plant rely on bacterial processes that stabilize to match normal operating conditions. The experience we encountered with the return of high ammonia supernatant from the sludge storage basin is an example of the effects of a slug hit of ammonia that we periodically experience. We can deal with this type of problem by changing our operation strategy and upgrading the solids handling process, but even with good source control efforts and monitoring it is possible for small short-term hits of ammonia to continue to happen.

We are not suggesting that the Board should allow exceedance of short-term one-hour average ammonia limits, but at the same time we do not believe that the monthly limit should create a violation that would not otherwise damage the environment in the receiving water based on actual pH and temperature.

We request that the long-term (monthly) limit be modified to minimize the effect of short-term ammonia hits. For example using a monthly median value as opposed to monthly average value, or applying language that would address actual conditions before applying a penalty.

Response to Comment 1: The State Water Resources Control Board has ruled (Yuba City, Order WQO 2004-0013) that hardness dependent metals must be included in NPDES permits as a fixed or seasonal numeric worst-case effluent limitation. It is our interpretation of the State Board Order that the ruling also applies to pH and temperature dependent ammonia. Therefore, floating limits based on the actual "at the time of discharge" conditions are no longer allowed. Monthly average limitations are required by federal regulations, 40 CFR 122.45. The monthly

average limitation for ammonia is based U.S. EPA's Ambient Criteria for the Protection of Fresh Water Aquatic Life and use of a monthly median value would not be protective of the beneficial uses of the receiving stream. The proposed ammonia limitation is based on a recent State Board ruling and necessary to protect the beneficial uses of the receiving streams.

Comment 2 - Meet and Confer Process: In order to foster productive communication and input to achieve full compliance, the tribe requests an opportunity to meet with the RWQCB staff to review the workplan for adequacy and obtain input. We request that a sentence be added to the Cease and Desist Order under the section titled: "It is hereby ordered that:" stating that the RWQCB will review the workplan for adequacy and meet with the UAIC to discuss any changes that may be required to achieve full compliance.

Response to Comment 2: Regional Board staff, the Indian Community, and your consultants have had good and open communication throughout the permitting process. We do not believe the requested language, agreeing to meet to discuss workplan adequacy, is necessary.

Comment 3 - Nitrate and Ammonia compliance schedule: Please delete the reference to compliance date for nitrate and ammonia of March 16, 2006 in paragraph 5 of the findings in the Cease and Desist Order. It is inconsistent with the compliance date of 1 February 2008 in the order.

Response to Comment 3: The existing WDRs, Order No. 5-01-068, adopted in 16 March 2001, contain Effluent Limitations for ammonia and nitrate. Ammonia and nitrate limitations have been violated and effluent levels continue to present a reasonable potential to cause or contribute to an exceedance of permit limitations. The facility was designed to nitrify and denitrify, but has had some problems. We have included the compliance time period to allow for correction of any system or operational problems, which we believe can and should be completed within the time allowed. We understand a desire for a longer compliance period to avoid any potential violations, however you did not present any technical explanation of why nitrification and denitrification cannot be achieved within the allotted time period. Compliance with ammonia and nitrate Effluent Limitations is required by 16 March 2006, which we believe is reasonable. Compliance with the Cease and Desist Order exempts the Discharger from mandatory minimum penalties during the compliance period. Thank you for pointing out the inconsistency with the full compliance date of 1 February 2008 for ammonia and nitrate as stated in Item 2 on page 5 of the Cease and Desist Order. The proposed Cease and Desist Order has been modified to include a separate full compliance date of 16 March 2006 for ammonia and nitrate.